

# Senate File 14

SENATE FILE \_\_\_\_\_  
BY SCHOENJAHN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to stray livestock, by providing for civil  
2 penalties imposed by ordinance adopted by local authorities,  
3 and providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1290SS 82  
6 da/je/5

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1 1 Section 1. Section 169C.1, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 1A. "Animal unit" means a unit of  
1 4 measurement for a single animal based upon a special  
1 5 equivalency factor for that animal's species type as provided  
1 6 in section 459.102. An animal unit for ostriches, rheas,  
1 7 emus, or farm deer is the same as for immature dairy cattle.  
1 8 Sec. 2. NEW SECTION. 169C.6 COUNTY ENFORCEMENT == CIVIL  
1 9 PENALTIES.

1 10 1. A local authority may adopt an ordinance providing that  
1 11 an owner of livestock commits a civil offense for each head of  
1 12 the owned livestock that trespasses upon a landowner's land or  
1 13 strays from the livestock owner's control onto a public road.  
1 14 A county ordinance shall be adopted and enforced as a county  
1 15 infraction as provided in section 331.307, and a city  
1 16 ordinance shall be adopted and enforced as a municipal  
1 17 infraction as provided in section 364.22.

1 18 2. a. The amount of the civil penalty shall not be more  
1 19 than the product obtained by multiplying one hundred dollars  
1 20 by the livestock's animal unit.

1 21 b. Each day that an offense continues constitutes a  
1 22 separate violation. However, a livestock owner shall not be  
1 23 subject to a civil penalty of more than seven hundred fifty  
1 24 dollars for a single violation or a continuing violation.

1 25 3. A livestock owner does not commit a civil offense, as  
1 26 provided in this section, if the livestock escapes from a  
1 27 lawful fence which is tight as provided in chapter 359A. A  
1 28 fence which is determined lawful and tight by fence viewers  
1 29 under chapter 359A is conclusive for this purpose.

1 30 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
1 31 immediate importance, takes effect upon enactment.

### 1 32 EXPLANATION

1 33 This bill amends Code chapter 169C, enacted in 1997, which  
1 34 provides a cause of action to a landowner or a county or city,  
1 35 referred to as a local authority, when livestock is  
2 1 trespassing, or is taken into custody after straying from its  
2 2 owner's control. The Code chapter provides that a landowner  
2 3 or local authority may take custody of livestock if the  
2 4 livestock trespasses upon the landowner's land or is on a  
2 5 public road which adjoins the landowner's land, and may bring  
2 6 a civil action against the livestock owner for damages caused  
2 7 by the livestock and costs associated with the trespass or  
2 8 custody.

2 9 The bill provides that a local authority may adopt an  
2 10 ordinance providing that the livestock owner commits a civil  
2 11 offense for each head of the livestock that trespasses upon a  
2 12 landowner's land or strays from the livestock owner's control  
2 13 onto a public road. The offense is classified either as a  
2 14 county infraction or a city infraction under current law. The  
2 15 bill provides that the civil penalty cannot be more than  
2 16 calculated by a formula which multiplies \$100 by a special  
2 17 factor for that species or type of livestock referred to as  
2 18 its "animal unit" under Code chapter 459. For example, for  
2 19 slaughter or feeder cattle, the amount is \$100 multiplied by

2 20 an animal unit of 1.000 (\$100), and for butcher or breeding  
2 21 swine the amount is multiplied by an animal unit of 0.400  
2 22 (\$40). The bill provides that each day that an offense  
2 23 continues is a separate violation. However, a livestock owner  
2 24 cannot be subject to a civil penalty of more than the ceiling  
2 25 amount for county or municipal infraction (\$750) for a single  
2 26 violation or a continuing violation.  
2 27 The bill provides that a livestock owner has not committed  
2 28 a civil offense if the livestock escapes from a lawful fence  
2 29 which is tight as provided under Iowa's fence law (Code  
2 30 chapter 359A). A fence which is determined lawful and tight  
2 31 by fence viewers under Code chapter 359A is conclusive for  
2 32 purposes of determining whether such a defense prevails.  
2 33 The bill takes effect upon enactment.  
2 34 LSB 1290SS 82  
2 35 da:nh/je/5